

PUBLIC

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Fear of torture or ill-treatment

28 April 2004

TRINIDAD AND TOBAGO

John Kromah (m)]	
Emanuel Kinde Hamon (m)]	
Samuel Keiju (m)]	
Francis Imkoomah (m)]	Liberian nationals
Colins Andor (m)]	
Emanuel Sartons (m)]	
George Dondree (m)]	

The Liberian men named above have sought asylum in Trinidad and Tobago, but have been detained as 'prohibited immigrants'. Amnesty International is concerned about the conditions in which they are being detained and fears that they will be forcibly returned to Liberia where they could be at risk of torture.

They are held incommunicado in appalling conditions in Golden Grove Prison, Trinidad, where cells measuring approximately two meters by three meters house around 9 prisoners each. The supply of food, which is of very poor quality, and water, is irregular. Amnesty International has received several reports of prisoners being ill-treated in Golden Grove prison, and the fact that these men are held incommunicado puts them at increased risk of ill-treatment. They are being detained alongside other convicted and remanded prisoners.

On 21 April they requested political asylum at a police station in Port of Spain, Trinidad, telling police officers that they had left Liberia for fear that they would be killed. They were arrested and charged under the Immigration Act. The authorities have not confirmed when the seven will appear before a court and when or if they will be granted legal assistance.

In accordance with international standards, they should be entitled to exercise their right to seek and enjoy asylum, including through the grant of effective access to a full and fair procedure to determine whether they would be at risk of human rights violations if returned to Liberia. In addition, they should be given access to lawyers and to the Office of the United Nations High Commissioner for Refugees (UNHCR). This has reportedly not been done.

Trinidad and Tobago is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (the Refugee Convention). As a state party to the International Covenant on Civil and Political Rights (the ICCPR), Trinidad and Tobago is also obliged to ensure that no detainee is arbitrarily or unlawfully detained, or subjected to torture, or other cruel, inhuman or degrading treatment or punishment. Under each of these international instruments, and on the basis of customary international law, Trinidad and Tobago is prohibited from forcibly returning a person to a situation where they would face grave human rights abuses, including torture.

Asylum-seekers may be detained only in exceptional circumstances, and procedural safeguards must be in place to ensure that the detention is not arbitrary. UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers (UNHCR's Detention Guidelines) state in Guideline 10 that "asylum-seekers should be accommodated separately from convicted criminals and prisoners on remand. There should be no co-mingling between these groups."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the authorities of Trinidad and Tobago to ensure that none of the seven Liberians currently detained in Golden Grove Prison (naming them) is forcibly returned to Liberia, in accordance with international legal obligations under the Refugee Convention and the ICCPR;
- urging the authorities to take all necessary steps to ensure that they are able to access a fair and satisfactory procedure for determining their entitlement to international protection, including an effective appeals procedure;
- urging the authorities to grant them immediate and unconditional access to legal advice and the Office of the UNHCR;
- encouraging the authorities to follow UNHCR's Detention Guidelines, in particular to immediately cease holding asylum-seekers alongside convicted criminals and remanded prisoners, and to ensure that asylum-seekers are treated humanely throughout the determination process;
- urging the authorities to ensure that the detainees are held in humane conditions, in accordance with international standards;
- urging the authorities to ensure that the detainees are informed of the reasons for their detention and that they are entitled to take proceedings without delay to determine the lawfulness of their detention in accordance with international standards.

APPEALS TO:

Senator the Honourable Martin Joseph
Minister of National Security
Ministry of National Security
Temple Court
31-33 Abercromby St
Port of Spain
Trinidad and Tobago

Fax: + 1 868 627 8044
Email: mns@tstt.net.tt
Salutation: Dear Minister

John Jeremie
Attorney General
Cabildo Chambers
Corner Sackville and St Vincent Streets
Port of Spain
Trinidad and Tobago

Fax: + 868 625 0470 (hard to get through)
email: attorneygeneral@tstt.net.tt
Salutation: Dear Attorney General

COPIES TO: diplomatic representatives of Trinidad and Tobago accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 June 2004.